

**PUBLIC SAFETY  
AND  
LEGAL ADMINISTRATION COMMITTEE**

**MINUTES**

**JULY 27, 2010**

The regularly scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, July 27, 2010 at 3:05 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair  
The Honorable H. Lamar Willis, Vice-Chair  
The Honorable C. T. Martin  
The Honorable Yolanda Adrean  
The Honorable Keisha Lance Bottoms  
The Honorable Joyce Sheperd  
The Honorable Natalyn M. Archibong**

Others present at the meeting were: Councilmembers Cleta Winslow and Alan Wan, Acting City Attorney, Peter Andrews, Jerry Deloach and Amber Robinson, Law Department; Chief George N. Turner, Assistant Chief Peter Andresen, Deputy Chiefs Shawn Jones and Calvin Moss, Police Department; Chief Kevin Cochran, Fire and Rescue; Commissioner George Dusenbury, Parks, Recreation and Cultural Affairs; Peter Aman, Katrina Parks and David Bennett, Mayor's Office; Cristina Beamud, Atlanta Citizen Review Board; media, public and council staff.

Chairman Young called the meeting to order at 3:05 p.m. after declaring a quorum present. He then proceeded with the following order of business.

- A. ADOPTION OF AGENDA – ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. STATUS REPORT - ZONE AND BEAT REALIGNMENT PLAN, THE POLICE DEPARTMENT - NEXT MEETING AUGUST 31, 2010**

**CONSENT**

**D. RESOLUTIONS**

**Claims with favorable recommendations:**

- 10-R-1375 ( 1)      Claim of Covenant Associates, through its attorney, Louis Levenson, for damages alleged to have been sustained as a result of vending issues raised in a lawsuit settlement adopted by the Atlanta City Council on June 5, 2005 pursuant to City Ordinance 05-O-1000, said settlement funds having been returned to the City as the claimant was unable to be located, but claimant has now come forward and is seeking the settlement to which it is entitled. **\$14,976.00**

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**RESOLUTIONS (CONT'D)**

**Claims with favorable recommendations:**

- 10-R-1376 ( 2)      Claim of State Farm Insurance Company, as subrogee of Stephanie Whatley, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on January 6, 2010 at 1932 Delowe Drive. **\$4,052.29**
- 10-R-1377 ( 3)      Claim of Monica and Mike Kurth, for damages alleged to have been sustained as a result of flooding during a water service connection between May 4, 2010 and May 5, 2010 at 2232 Harry Brooks Drive, NW. **\$2,500.00**
- 10-R-1378 ( 4)      Claim of Valencia Denise White, for damages alleged to have been sustained as a result of walking on an uncovered water meter box on August 8, 2009 at 2130 Martin Luther King, Jr. Drive. **\$1,800.00**
- 10-R-1379 ( 5)      Claim of Amanda Carmichael, for property damages alleged to have been sustained from an automobile accident on May 10, 2010 at North Avenue, NW and Techwood Drive, NW. **\$1,297.22**
- 10-R-1380 ( 6)      Claim of Kesha Fox, for damages alleged to have been sustained as a result of a trip and fall in a pothole in the crosswalk on July 12, 2009 at 52 Peachtree Street. **\$1,200.00**

**Claims with unfavorable recommendations:**

- 0-R-1381 ( 7)      Claim of Georgia Power Company, for damages alleged to have been sustained as a result of a severed cable during the repair of a service lateral on December 6, 2009 at 70 Abington Court.
- 10-R-1382 ( 8)      Claim of Andre Turner, for damages alleged to have been sustained as a result of driving over a pothole on May 21, 2010 at 3083 Martin Luther King, Jr. Drive.
- 10-R-1383 ( 9)      Claim of Annette McCou, for damages alleged to have been sustained as a result of a sewer backup on February 25, 2009 at 1690 Fort Valley Drive.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1384 (10) Claim of **Debra L. Blalock**, for damages alleged to have been sustained during the removal of a fallen tree on May 6, 2009 at 933 Glen Arden Way.
- 10-R-1385 (11) Claim of **Keith Evans, through his attorney, Lisa Siegel, Esq., Katz, Stepp & Wright, LLC**, for bodily injuries alleged to have been sustained from a trip and fall incident on March 27, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-1386 (12) Claim of **Hyacinth Jenkins**, for property damages alleged to have been sustained from a sewer backup on May 3, 2010 at 583 Lawton Street, SW.
- 10-R-1387 (13) Claim of **Ralston L. Williams, through his attorney, Michael J. Moran, Montlick & Associates**, for bodily injuries alleged to have been sustained when an escalator malfunctioned on May 22, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-1388 (14) Claim of **Michael and Rita Alemu, through their attorney, Andrew B. Cash, Esq., Cash Krugler & Fredericks**, for bodily injuries alleged to have been sustained when a sliding door malfunctioned on December 17, 2009 at Hartsfield-Jackson Atlanta International Airport, 1775 Aviation Boulevard.
- 10-R-1389 (15) Claim of **Lester A. Waldmann, through his attorney, Steven T. Richard, Attorney at Law**, for bodily injuries alleged to have been sustained when a chair collapsed in the Delta Terminal on December 17, 2009 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 10-R-1390 (16) Claim of **Parkside Office Suites**, for damages alleged to have been sustained as a result of a sewer backup on April 4, 2010 at 244 14<sup>th</sup> Street, NE.

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**RESOLUTIONS (CONT'D)**

**Claims with unfavorable recommendations:**

- 10-R-1391 (17) Claim of **Wade C. Hoyt, III**, for damages alleged to have been sustained from a failure to properly record 2006 and 2007 tax payments on January 25, 2010 at 3338 Peachtree Road, Unit 707.
- 10-R-1392 (18) Claim of **Jonathan P. Schroeder**, for property damages alleged to have been sustained when a tree log rolled and damaged a retaining wall during a tree removal project on April 21, 2010 at 45 Camden Road.
- 10-R-1393 (19) Claim of **Guideone Insurance Company, as subrogee of Greater Israel Christian Fellowship, Inc., through its attorney, Philip W. Lorenz, Esq., Goodman, McGuffey, Lindsey & Johnson, LLP**, for property damages alleged to have been sustained from sewer backups on January 9, 2009 and February 27, 2009 at 3255 Empire Boulevard, SW.  
**(Councilmember Adrean made a motion to approve Items D1-D19)**

**FAVORABLE**

**E. ORDINANCES FOR FIRST READING**

- 10-O-1397 ( 1) An Ordinance by Public Safety and Legal Administration Committee amending the 2011 (Intergovernmental Grant Fund) Budget, Department of Police ("Department"), by adding to anticipations and appropriations in the amount of \$4,500.00 for a Grant from the Georgia Criminal Justice Coordinating Council ("CJCC") to fund one member of the Department's Command Staff to attend the 2010 Georgia International Law Enforcement Exchange (GILEE), to receive anti-terrorism training in Israel; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

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**ORDINANCES FOR FIRST READING**

- 10-O-1398 (2)      An Ordinance by Public Safety and Legal Administration Committee amending the FY11 (Intergovernmental Grant Fund) Budget for the City of Atlanta Municipal Court, Community Court Division, by adding to anticipations and appropriations in the amount of \$126,980.00, from the Georgia Department of Behavioral Health and Developmental Disabilities (“DBHDD”) for the purpose of continuing Clinical Assessment Services for Criminal Defendants participating in Community Court; and for other purposes.

**TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**REGULAR**

**F.    COMMUNICATIONS**

- 10-C-1361 ( 1)      A Communication by Mayor Kasim Reed appointing **Kelvin Cochran** to serve as Chief of the Atlanta Fire and Rescue Department for the City of Atlanta; effective upon City council confirmation.  
(Councilmember Martin made a motion to approve.)

**FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL**

- 10-C-1362 ( 2)      A Communication by Mayor Kasim Reed appointing **George N. Turner** to serve as Chief of Police for the City of Atlanta; effective upon City council confirmation.  
(Councilmember Martin made a motion to approve.)

**FAVORABLE – REFERRED TO COMMITTEE ON COUNCIL (1 ABSTENTION) WILLIS**

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**G. ORDINANCES FOR SECOND READING**

- 10-O-1173 ( 1)      An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes.  
**(Referred back from Council 7/19/10)**  
**(Councilmember Young made a motion to hold for further review.)**

**HELD**

- 10-O-1419 ( 2)      An Ordinance by Councilmembers H. Lamar Willis, Alex Wan, Kwanza Hall, Aaron Watson, Michael J. Bond, Ivory L. Young, Jr., Yolanda Adrean and Joyce Sheperd to amend Chapter 10, Article II of the City of Atlanta Code of Ordinances so as to create a category for permitted liquor licensure for Nonprofit Park Conservancy, Park Friends or Park Alliance Partners of the City of Atlanta; for other purposes.  
**(Councilmember Young made a motion to hold for further review.)**

**HELD**

- 10-O-1421 ( 3)      An Ordinance by Councilmember Ivory L. Young, Jr. to repeal Chapter 2, Administration, Article XVI, Boards, Councils, Commissions and Authorities, Division 6, Criminal Justice Coordinating Council, in its entirety, so as to eliminate the conflict between the provisions concerning the Criminal Justice Coordinating Council therein and those in Chapter 98, Law Enforcement, Article I, In General, Section 98-2, Criminal Justice Coordinating Council; to repeal conflicting ordinances; and for other purposes.  
**(Councilmember Willis made a motion to approve.)**

**FAVORABLE**

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**H. RESOLUTIONS**

- 10-R-1394 ( 1)      A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Settlement Agreement with U.S. Fidelity, as final settlement of the matter of City of Atlanta v. United States Fidelity & Guaranty Co., Civil Action File No. 2009-CV-171666, related to completion of the work for Indian Creek Basin, Segments 3 & 4, FC-7402; and for other purposes.  
(**Councilmember Martin made a motion to approve.**)

**FAVORABLE**

- 10-R-1395 ( 2)      A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to settle the lawsuit styled City of Atlanta v. Mercury Air Cargo, Inc., Civil Action No. 1:10 CV-1658 (TWT), for \$750,000.00; collected funds shall be deposited into the Fund Account listed; and for other purposes.  
(**Councilmember Martin made a motion to approve.**)

**FAVORABLE (4 YEAS) YOUNG, MARTIN, ARCHIBONG, LANCE BOTTOMS (2 ABSTENTIONS) WILLIS, ADREAN**

- 10-R-1396 ( 3)      A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of D. A., Charletta Oliver, as Natural Parent and Legal Guardian for D. A. V. Officer J. Currie, Individually and in his official capacity as an employee of the City of Atlanta, Civil Action File No. 2009CV173521, Superior Court of Fulton County, in the amount of \$35,000.00; to be charged to and paid from the Fund, Account and Center Numbers listed; and authorizing payment of \$35,000.00 to Charletta Oliver; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.  
(**Councilmember Willis made a motion to approve.**)

**FAVORABLE (1 ABSTENTION) WILLIS**

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**I. PAPERS HELD IN COMMITTEE**

- 10-R-0132 ( 1)      A Resolution by Councilmember Michael J. Bond directing the City of Atlanta to apologize to the patrons and employees of the Atlanta Eagle for the alleged violations of Human and Civil Rights suffered as a result of a police raid carried out on September 10, 2009; and for other purposes. **(Held 1/12/10 for further discussion.)**

**HELD**

- 10-R-0137 ( 2)      A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

**HELD**

- 10-O-0397 ( 3)      An Ordinance by Councilmember H. Lamar Willis as substituted by Public Safety and Legal Administration Committee amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**

**HELD**

- 10-O-0399 ( 4)      An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**

**HELD**



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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-R-0727 ( 5)      A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Maintenance Agreement with Courtview Justice Solutions, pursuant to FC-6004007843, Automated Court Case Management System, on behalf of the Municipal Court of Atlanta for a period of one (1) year in FY11, in an amount not to exceed \$155,456.00; all costs to be charged to: Fund, Department, Account, and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5212001 (Consultant Professional Services), 2650000 (Municipal Courts); and for other purposes. (**Held 4/27/10 for a Work Session**)  
(**Councilmember Martin made a motion to approve.**)

**FAVORABLE**

- 10-O-0728 ( 6)      An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. (**Held 5/11/10 for further review.**)

**HELD**

- 10-R-0855 ( 7)      Claim of **Ron Tusso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. (**Held 5/11/10 for further review by the Law Department**)

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 10-O-1342 ( 8)      An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr., to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**

**HELD**

- 10-R-1343 ( 9)      A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**

**HELD**

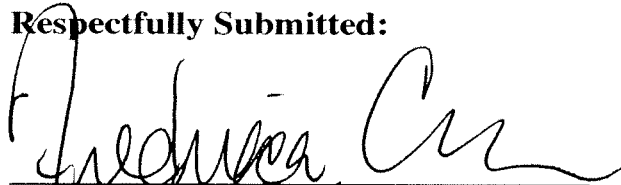
**J.      REQUESTED ITEMS**

- ( 1)      Councilmember Young requested that the Citizen Review Board make a formal periodic presentation before the committee and that the Law Department provide a legal opinion regarding the parameters, scope and safeguards that should be embodied in such presentations.

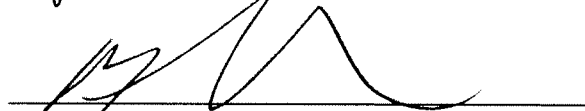
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**There being no further business to come before the Committee, the meeting was adjourned at 7:35 p.m.**

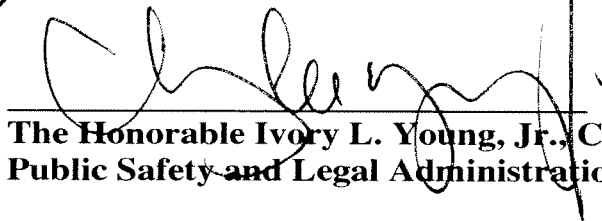
**Respectfully Submitted:**



**Fredrieca Cooper**  
**Legislative Assistant**



**Bernard Thomas**  
**Research and Policy Analyst**



**The Honorable Ivory L. Young, Jr., Chair**  
**Public Safety and Legal Administration Committee**